

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

**EDWARD MUHAMMAD,**

**Plaintiff,**

**v.**

**Case No. \_\_\_\_\_**

**DEUTSCHE BANK NATIONAL TRUST  
COMPANY, AS TRUSTEE FOR FFMLT 2007-  
FFB-SS, MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2007-FFB-SS,  
MACKIE WOLF ZIENTZ & MANN, P.C., as  
SUBSTITUTE TRUSTEE, and SPECIALIZED  
LOAN SERVICING, LLC as attorney in fact  
for DEUTSCHE BANK NATIONAL TRUST  
COMPANY, AS TRUSTEE FOR FFMLT 2007-  
FFB-SS, MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2007-FFB-SS**

**Defendants.**

**NOTICE OF REMOVAL**

COMES NOW, Deutsche Bank National Trust Company, as Trustee for FFMLT 2007-FFB-SS, Mortgage Pass-Through Certificates, Series 2007-FFB-SS (“Deutsche Bank”) and Specialized Loan Servicing, LLC (“SLS” and together with Deutsche Bank, “Defendants”), and hereby remove this action from the Chancery Court of Shelby County, Tennessee to the United States District Court for the Western District of Tennessee, Western Division, based on diversity jurisdiction under 28 U.S.C. §§ 1332, 1441(a) and 1446(b). In support of removal, Defendants state as follows:

**I. PROCEDURAL BACKGROUND AND RELEVANT FACTS**

1. On or about January 30, 2020, a civil action was commenced in the Chancery Court of Shelby County, Tennessee, by the filing of a Complaint captioned *Edward Muhammad v. Deutsche Bank National Trust Company, as Trustee for FFMLT 2007-FFB-SS, Mortgage*

*Pass-Through Certificates, Series 2007-FFB-SS, Mackie Wolf Zientz & Mann, P.C., and Specialized Loan Servicing, LLC as attorney in fact for Deutsche Bank National Trust Company, as Trustee for FFMLT 2007-FFB-SS, Mortgage Pass-Through Certificates, Series 2007-FFB-SS* Docket No. CH-20-0137-3 (the “Complaint”).

2. On or about February 21, 2020, Defendants received notice of the Complaint.

3. In compliance with 28 U.S.C. § 1446(a), a copy of all pleadings, process, orders and other papers served on Defendants is attached hereto as **Exhibit A**.

4. The Complaint alleges that Defendants wrongfully and illegally foreclosed on Plaintiff’s property located at 5094 Winberry Cove, Arlington, Shelby County, Tennessee (the “Property”). The Complaint also alleges that a 2014 assignment conveying the Deed of Trust was fraudulent and that all actions pursuant to the assignment, up to and including foreclosure, are invalid. *See* Complaint ¶¶ 13-21.

## **II. NOTICE OF REMOVAL IS TIMELY**

5. This Notice of Removal is filed before the expiration of 30 days after the date Defendants were served with a copy of the initial pleading setting forth a claim for relief upon which this action is based. *See* 28 U.S.C. § 1446(b). Accordingly, removal is within 30 days of notice of the lawsuit.

6. As required by 28 U.S.C. § 1446(d), written notice of this Notice of Removal will be given to Plaintiff. Additionally, Defendants will file a copy of this Notice of Removal with the Chancery Court of Shelby County, Tennessee. A copy of the Notice of Removal to state court is attached hereto as **Exhibit B**.

## **III. DIVERSITY OF CITIZENSHIP**

7. Removal of this case is warranted under 28 U.S.C. § 1441(b) because this Court

has original jurisdiction pursuant to 28 U.S.C. § 1332(a).

8. As alleged in the Complaint, Plaintiff is a citizen and resident of Shelby County, Tennessee. Complaint, ¶1.

9. Defendant Deutsche Bank is a national banking association organized under the laws of the United States to carry on the business of a limited trust company with a principal place of business in California. Deutsche Bank is not a citizen of Tennessee.

10. SLS is a limited liability company formed in the State of Delaware. SLS is not a citizen of Tennessee.

11. The Complaint also names Mackie Wolf Zientz & Mann, P.C. (“Mackie Wolf”) as a defendant. Mackie Wolf is a Tennessee professional corporation Mackie Wolf’s only role in this case is that of a trustee, engaged as the seller and transferor of the deed upon foreclosure. As a trustee, Mackie Wolf’s citizenship is not an issue in this case. Mackie Wolf is a “nominal party whose citizenship may be disregarded for the purpose of establishing diversity jurisdiction.” *Williams v. SunTrust Mortg., Inc.*, No. 3:12-CV-477-TAV-CCS, 2014 WL 1117113, at \*3 (E.D. Tenn. Mar. 20, 2014).

12. Because Mackie Wolf’s citizenship is not considered for purposes of determining diversity jurisdiction, Mackie Wolf is not required to consent to removal. *See Constant v. Wyeth*, 352 F. Supp. 2d 847, 849 (M.D. Tenn. 2003) (citing *Coyne v. Am. Tobacco Co.*, 183 F.3d 488, 493 (6th Cir. 1999)). Notwithstanding that Mackie Wolf is a nominal defendant, Mackie Wolf consents to removal. Therefore, complete diversity of citizenship exists between the parties.

#### **IV. AMOUNT IN CONTROVERSY**

13. The Complaint seeks compensatory damages in the amount of Seven Hundred Fifty Thousand Dollars (\$750,000.00) and injunctive relief to prevent auctioning, selling,

foreclosing, or otherwise disposing of any interest in the Property during the pendency of this litigation. *See* Exhibit A at 54.

14. Based on the face of the Complaint, the monetary value sought exceeds the jurisdictional requirement of \$75,000.00.

**V. NOTICE AND VENUE**

15. The United States District Court for the Western District of Tennessee, Western Division is the Federal Court in the district and division of the Chancery Court of Shelby County, Tennessee. No previous application has been made for the relief requested herein.

WHEREFORE Defendants pursuant to 28 U.S.C. §§ 1332, 1441(a) and 1446(b), respectfully remove this action from the Chancery Court of Shelby County, Tennessee, to the United States District Court for the Western District of Tennessee, Memphis Division.

Dated February 27, 2020.

Respectfully submitted,

By: /s/ Woods Drinkwater  
Woods Drinkwater (BPRN 33838)  
NELSON MULLINS RILEY  
& SCARBOROUGH, LLP  
One Nashville Place, Suite 1100  
150 Fourth Avenue, North  
Nashville, TN 37219  
Phone: (615) 664-5307  
woods.drinkwater@nelsonmullins.com

**CERTIFICATE OF SERVICE**

I certify that the foregoing document has been served upon all counsel of record for the parties at interest in this cause by placing a true and correct copy of same in the United States mail, postage prepaid, in a properly addressed envelope; and electronically through ECF to the attorney of record as follows:

Curtis Johnson  
1407 Union Avenue  
Suite 1002  
Memphis, Tennessee 38104  
cjohnson@johnsonandjohnsonattys.com  
*Attorney for Plaintiff*

Mackie Wolf Zientz & Mann, P.C.  
7100 Commerce Way  
Suite 273  
Brentwood, TN 37027

Dated February 27, 2020.

/s/ Woods Drinkwater  
WOODS DRINKWATER